

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 17-cr-20668

D-3 DEAIRE RAYFORD,

Defendant.

ORDER DIRECTING REPLY

On January 11, 2023, the court received correspondence from Defendant De'Aire Rayford, seeking “clarification on a sentencing issue.” (ECF No. 408, PageID.3779.) Specifically, Defendant asserts that he should be eligible for an earned-time reduction credit under the First Step Act, a credit which the Bureau of Prisons is currently denying him due to its alleged incorrect designation of him as a leader in his conspiracy to distribute controlled substance conviction. (Id.) The court resolved to treat Defendant’s correspondence as a formal motion. Accordingly, on January 18, 2023, the court issued a Notice of Determination of Motion Without Oral Argument, ordering the Government to file a response by April 11, 2023. (ECF No. 419.) On March 3, 2023, the Government complied, suggesting that the court construe Defendant’s correspondence as a writ of habeas corpus, 28 U.S.C. § 2241, and further arguing that said writ be denied on exhaustion grounds. (Id. at PageID.3807–08.)

Having reviewed the relevant filings, the court is inclined to view Defendant’s correspondence as a petition for writ of habeas. However, before considering the merits

of Defendant's petition, the court will first require Defendant to respond to the Government's arguments. Should Defendant fail to file a reply on or before May 17, 2023, his petition will be dismissed without prejudice. Accordingly,

IT IS ORDERED that Defendant shall file a reply to the Government's briefing (ECF No. 419) by May 17, 2023.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 5, 2023

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 5, 2023, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

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